

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>GARY LINFOOT and wife</b>	)	
<b>MARILYN LINFOOT, and GREGORY</b>	)	
<b>COOPER,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
v.	)	<b>No. 3:09-cv-639</b>
	)	
<b>MD HELICOPTERS, INC.,</b>	)	<b>Judge Sharp</b>
<b>MCDONNELL DOUGLAS HELICOPTER</b>	)	
<b>COMPANY,L-3 COMMUNICATIONS</b>	)	
<b>CORPORATION, and</b>	)	
<b>KAMATICS CORPORATION,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

Defendant McDonnell Douglas Helicopter Company (MDHC) filed with the Court a renewed motion for summary judgment on March 28, 2012, as to choice of law and the application of a 10-year statute of repose relevant to Plaintiffs' claims against MDHC. (Docket Nos. 111 & 113). Plaintiffs responded on June 28, 2012, (Docket No. 123), and MDHC replied on July 11, 2012, (Docket No. 127).

Plaintiffs' claims arise from the crash of a military helicopter piloted by Plaintiff Gary Linfoot. Plaintiffs allege that defects in the helicopter's driveshaft caused the helicopter to crash, and that modifications to Linfoot's seat compromised the crashworthiness of the helicopter and exacerbated Linfoot's injuries.

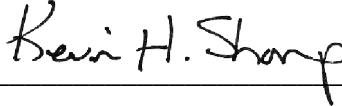
With respect to MDHC's motion, Plaintiffs argue it is premature because the parties' joint *Touhy* request to the Army—which Plaintiffs maintain they need to evaluate MDHC's role

in modifying the helicopter—is incomplete. (Docket No. 123 at 7). MDHC counters that the Army has completed its discovery response. (Docket No. 113 at 8 n.4). The Court’s review of the docket suggests that the *Touhy* request, initially submitted in October 2009, remained incomplete as of January 2013. (*See* Docket No. 131-3 at 2).

It appears to the Court that the status of the parties’ *Touhy* request may be relevant in resolving MDHC’s motion for summary judgment. Therefore, Plaintiffs and MDHC shall provide supplemental notice to the Court of the current status of discovery from the Army by November 1, 2013.

It is so ORDERED.

Entered October 3, 2013.

  
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KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE